

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DERETHA MILLER, TAMBITHA
BLANKS and WILLIE BLANKS,
individually, and on behalf of a class of
persons similarly situated

Plaintiffs,

v.

Case No.: 2:18-cv-195-FtM-38NPM

THE CITY OF FORT MYERS,
RANDALL P. HENDERSON, JR.
and SAEED KAZEMI,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R") ([Doc. 137](#)). The R&R considers Plaintiffs' Motion for attorney's fees ([Doc. 130](#)), Defendants' response in opposition ([Doc. 133](#)), and Plaintiffs' reply ([Doc. 136](#)). Judge Mizell recommends denying the Motion. Plaintiffs timely objected ([Doc. 138](#)), to which Defendants responded ([Doc. 141](#)). Defendants also filed alternative objections ([Doc. 139](#)) if the R&R is not approved, and Plaintiffs responded ([Doc. 140](#)). The matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's R&R. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), 681 F.2d 732 (11th

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[Cir. 1982](#)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).


There are no factual objections. Plaintiffs disagree with the R&R's legal conclusions. The Court, however, does not. After careful, *de novo* review of the file and applicable law, the Court agrees with the R&R's analysis in full. To avoid simply restating Judge Mizell's well-put reasoning or block quoting ten-plus pages, the Court concludes it is sufficient to let the R&R stand on its own. So the Court accepts, adopts, and incorporates the R&R's legal conclusions by reference here. Plaintiffs' objections are overruled. Defendants' alternative objections are denied as moot. And the Motion is denied for the reasons explained in the R&R.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation ([Doc. 137](#)) is **ACCEPTED and ADOPTED** and incorporated into this Order.
- (2) Plaintiffs' objections ([Doc. 138](#)) are **OVERRULED**.
- (3) Defendants' alternative objections ([Doc. 139](#)) are **OVERRULED as moot**.
- (4) Plaintiffs' Motion for an Award of Costs of Litigation Pursuant to [42 U.S.C. § 6972\(e\)](#) ([Doc. 130](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of September, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record